

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GRANT FARMER,

Plaintiff,

v.

ARAMARK CORPORATION,

Defendant.

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CIVIL ACTION

No. 11-5621

ORDER

AND NOW, this 3rd day of February, 2012, upon consideration of Defendant, ARAMARK Corporation's ("Aramark"), Motion to Dismiss the Complaint of Plaintiff, Grant Farmer ("Farmer") (Doc. No. 3), Farmer's Response thereto, and Aramark's Reply, it is hereby **ORDERED** that this Motion is **GRANTED IN PART** and **DENIED IN PART**. It is **ORDERED** that:

1. the Motion to Dismiss is **GRANTED** as to Farmer's claim for intentional infliction of emotional distress (Count III), and Farmer's claims under the New Jersey Law Against Discrimination, N.J. Stat. §§ 10:5-1 to -49 (Count II); and
2. the Motion to Dismiss is **DENIED** as to Farmer's claims under 42 U.S.C. § 1981 for race discrimination, harassment, and retaliation (Count I).¹

¹Farmer avers all three of these claims under Count I in his Complaint. (Compl. ¶¶ 22-25.)

It is **FURTHER ORDERED** that Farmer shall file an amended Complaint, within ten (10) days of the date of this Order, substituting Aramark Sports, LLC for Aramark Corporation as the proper Defendant in this action.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE